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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 001789

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SUBJECT: Ending a long-standing dispute, Parliament grants citizenship to thousands of tea estate Tamils

Refs: (A) FBIS Reston Va DTG 090153Z Oct 03

- (B) Colombo 1466

(U) Classified by James F. Entwistle, Deputy Chief of Mission. Reasons 1.5 (b,d).

1. (C) SUMMARY: Sri Lanka's Parliament passed a bill granting citizenship to over 160,000 tea estate Tamils on October 7. The bill ends a decades-old dispute that pitted the majority Sinhalese community against the wider Tamil community and involved the GSL in years of tense negotiations with India. Local observers lauded the passage of the bill. Against the background of the ongoing peace process, the constructive way the citizenship bill has been handled is a positive sign for ethnic reconciliation writ large. END SUMMARY.

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Parliament Acts on Citizenship Bill
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2. (U) On October 7, Sri Lanka's Parliament passed a bill presented by the government granting citizenship to over 160,000 tea estate Tamils. The bill passed unanimously, with all 172 MPs present voting in favor, and all parties -- government and opposition -- in support. The bill, which is called "Grant of Citizenship to Persons of Indian Origin Act," accords "the status of citizen to any person of Indian origin who has been a permanent resident of Sri Lanka since October 30, 1964 or a descendant of any such person." To become law, the bill now needs to be signed by J.M. Perera, Speaker of the Parliament, who has indicated that he will do so soon. Once it is signed, the tea estate Tamils affected by the bill will be able to apply for Sri Lankan national identity cards, a process the government will coordinate.

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End of a Long-standing Dispute
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3. (U) The bill ends a decades old dispute that pitted the majority Sinhalese community against Sri Lanka's wider Tamil community and involved the Sri Lankan government in years of tense negotiations with India. The tea estate Tamil community (also known as "Indian" or "hill" Tamils) represents about 5.5 percent of Sri Lanka's total population. While members of the same Tamil ethno-linguistic group, tea estate Tamils are considered distinct from Sri Lanka's long-established "Jaffna" and eastern Tamil communities, who represent about 13 percent of the population. Ancestors of today's tea estate Tamils were brought by the British from southern India to Sri Lanka starting in the 19th century to work on the tea plantations located in the central highlands. In one of the first salvos in the ethnic confrontation that would divide the country and eventually lead to armed conflict, Sri Lanka's Parliament passed an act soon after independence in 1948 that explicitly excluded tea estate Tamils from Sri Lankan citizenship. Reflecting Sinhalese majoritarian views, the Parliament took this action out of concern that the addition of hundreds of thousands of tea estate Tamils to the electoral roles would buttress the strength of the country's Tamil community. Due to the 1948 Act and those subsequent to it, almost one million tea estate Tamils were effectively rendered stateless.

4. (U) With the Sri Lankan government threatening to expel the tea estate Tamils en masse to Tamil Nadu, tensions quickly came to a head with India. After years of negotiations, then-prime ministers Sirimavo Bandaranaike and Lal Bahadur Shastri agreed in 1964 that Sri Lanka would grant citizenship to roughly one third of the affected Tamils while India would grant citizenship to the remaining two-thirds. It took years and much controversy, but Sri Lanka and India generally fulfilled their parts of the bargain, with India repatriating thousands of tea estate Tamils. Two segments of the tea estate Tamil community remained

stateless, however: those eligible to be repatriated to India who chose not to return and those who tried to return but were not accepted by India. These two Tamil groups and their descendants, numbering around 160,000 people in total, were the beneficiaries of the citizenship passed by Sri Lanka's Parliament on October 7.

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Observers Enthusiastic
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15. (C) Local observers lauded the passage of the bill. K. Vivekanandan, a well-known human rights lawyer and a tea estate Tamil, told poloff October 15 that the passage of the bill resolved the citizenship problem once and for all for the tea estate Tamil community. With the passage of the bill, he noted that all tea estate Tamils now have all the basic rights guaranteed other Sri Lankans, including the right to vote and to own property. Vivekanandan cautioned that after years of discrimination tea estate Tamils still have far to go until they are fully integrated into Sri Lankan society, however. That said, the citizenship bill should help in the integration process, he remarked. In an October 14 conversation with polchief, Taranjit Sandhu, political counselor at the Indian High Commission, stated that he thought the Sri Lankan Parliament's vote had been a very positive step. While the issue of the tea estate Tamils had ceased to be an irritant in Indo-Sri Lankan relations many years ago, Sandhu said the final closure of the whole matter was satisfying and highlighted an increased level of inter-communal acceptance in Sri Lanka.

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COMMENT
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16. (C) As noted above, the matter of how to handle the citizenship of tea estate Tamils was the seminal issue that set the stage for the friction (over language, access to employment and educational opportunities, etc.) between Sinhalese and Tamils that was to overwhelm Sri Lanka and eventually lead to war. The fact that the long-standing dispute over citizenship has now finally been resolved in such a responsible way seems to be a positive sign for ethnic reconciliation between Sinhalese and Tamils writ large. As such, the Parliament's passage of the bill seems to be good news for the fragile peace process. END COMMENT.

17. (U) Minimize considered.

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